GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Labour, Employment, Training & Factories Department - Embezzlement of Rs. 4,68,861/- pertaining to Financial Assistance to Second World war veterans, Financial Assistance from special Funds and Sainik Bhavan Account in Sainik Welfare Department – Negligence in maintenance of Accounts – Initiated major disciplinary proceedings against Sri R.Surya Prakash, Assistant Director (Retd.) – Enquiry officer appointed – Enquiry Report received – Show Cause notice issued - Andhra Pradesh Public Service Commission Concurrence obtained – impose of punishment of 25% cut in pension permanently, besides recovery of Rs. 4,68,861/- under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 – Orders - Issued .

LABOUR EMPLOYMENT TRAINING AND FACTORIES (IMS&VIG) DEPARTMENT

G.O.Ms.No.35 Dated :17.06.2016.

Read the following

1.Memo.No.4023/03/2007-A (Estt), Dated; 6.6.2007 of Directorate of Sainik Welfare, Hyderabad.
2. From Director of Sainik Welfare, Lr No. 4023/06/2007- A(Estt.), dated 06.06.2007 addressed to CET, A.P., Hyderabad.
3.CET Charge Memo.No.G6/11653/2007,Dated:16.6.2007.
4. From Sri R. Surya Prakash,, A.D. (SC/ST) Cell, O/o CET representation Dt:27.6.2007.
5. CET Memo.No.G6/11653/2007, Dated: 12.09.2007
6. Enquiry Report of Sri M. Nagabhushana, DD (T), O/o.CET, Dated:22.6.2011.
7. Govt. Memo.No. 1570/Emp.A1/2008, Dated 20.07.2011.
8. Representation from Sri R.Surya Prakash, A.D. (Retd.) on 17.08.2011.
9..From DET Lr.No.H1/G6/11563/2007 (Suppl)Dated: 2.2.2012 along with representation of Sri R.Surya Prakash dated 25.01.2012.
10. Govt. Memo.No. 1570/Vig/2008, Dated 17.05.2012.
11. From CET, Lr No. H1/G6/5579/2012, Dated 01.02.2013.
12. Govt.Memo.No. 1570/Vig/2008, Dated 16.03.2013.
13. From CET, Lr No. H1/G6/11653/2007-2, Suppl, Dt.10.04.2013.
14. Govt. Memo.No. 1570/Vig/2008, Dated 29.04.2013.
15. From Director, Sainik Welfare Lr No. 2867/KNL/2013-A(Estt), Dated 10.02.2014.
16. Govt. Memo.No. 1570/Vig/2008 Dated 02.04.2014.
17. Govt.U.O.Note.No.1570/Vig/2008, Dated.24.04.2014.
18. From CET Lr No. H1/G6/11653/2007-2-Suppl Dated.19.05.2014.
19. Govt. Letter No. 1570/Vig/2008, Dated 16.07.2014.
20. From APPSC, Lr No. 896/RT/2/2014, Dated 27.08.2014.
21.From Home (Ser.IV) Department, U.O.Note No. 9057/Ser.IV /A1/2015, Dated 20.01.2016.

***

ORDER

. Whereas, as per the report submitted by the Director, Sainik Welfare, Hyderabad in the references 1st and 2nd read above , the Commissioner of Employment and Training, Andhra Pradesh, Hyderabad in the reference 3rd read above, has framed Articles of Charges against Sri R.Surya Prakash, when he was working as Employment Officer (VG), District Employment Exchange, Kurnool and was in full Additional Charge of the post of District Employment Officer, District Employment Exchange, Kurnool and also District Sainik Welfare Officer, Kurnool from 02.07.2005 to 11.12.2005 and 01.03.2006 to 09.05.2007, as he has failed to exercise financial accountability and financial prudence, which resulted in embezzlement of

P.T.O.

public funds meant for financial assistance to II World War Veterans and Special Funds towards marriage grants / monthly grants to the deserving and needy Ex-Servicemen to a tune of Rs. 4,68,861/-.

2. In the reference 4th read above, Sri R.Surya Prakash submitted a representation to Commissioner of Employment and Training, Andhra Pradesh, Hyderabad, with a request to drop the charges framed against him. But, the Commissioner of Employment and Training in the reference 5th read above, has appointed Enquiry Officer to conduct regular enquiry against the Charged Officer i.e Sri R.Surya Prakash, the then Employment Officer (VG), District Employment Exchange, Kurnool and Full Additional Charge of the post of Distict Welfare Officer, Kurnool, presently retired Assistant Director (SC/ST Cell) in Commissionerate, under Andhra Pradesh Civil Services (CCA) Rules, 1991, as the explanation is not satisfactory.

3. In the reference 6th read above, the Enquiry Officer has submitted his report, duly stating that the Drawing and Disbursing Officer (Sri R.Surya Prakash the then Zilla Sainik Welfare Officer (Full Additional Charge), Kurnool did not adhere to Rules, there by violated the Articles 3, 5 and 273 of Andhra Pradesh Financial Code which ultimately led to misappropriation of Government funds to the tune of Rs. 4,68,861/-. Hence, the charges framed against him are proved.

4. In the reference 7th read above, the Government have forwarded the Enquiry Officer Report to the Charged Officer, and requested to submit his explanation within 15 days from the date of receipt of Memo failing which it will be constructed that he has no substance to offer and further action will be taken as per rules. Sri R.Surya Prakash, Assistant Director (Retd.) in the reference 8th read above has submitted representation to Government, with a request to exonerate him from the charges.

5. In the reference 9th read above, the Charged Officer has represented to Government that his signature was forged by Sri Md.Razak Khan, Typist and misappropriated the said amount on different dates. Hence, the Charged Officer has requested to drop further action against him.

6. After examination of the enquiry report and the explanation of Sri R. Surya Prakash, Assistant Director (Retired), Government in the reference 10th read above had remitted the case under Rule 21 (1) of Andhra Pradesh Civil Services (CC&A) Rules, 1991 back to Director of Employment and Training, Andhra Pradesh, Hyderabad for Departmental enquiry to inquire into the contention of the Charged Officer, duly conducting enquiry issuing notices to Sri Md.Razak Khan, Typist, O/o Zilla Sainik Welfare Office, Kurnool, who is alleged to have forged the signature of Charged Officer and the Department to initiate major disciplinary proceedings against Sri Md. Razak Khan, who was acquitted on benefit of doubt.

7. In the reference 11th read above, the Commissioner of Employment and Training has furnished the report of the Enquiry Officer, wherein, it is stated that the charges are proved against Sri R.Surya Prakash, Assistant Director (Retd.).

8. In the reference 12th read above, the Government have requested the Commissioner of Employment and Training, to state whether, major disciplinary proceedings are initiated or not against Sri Md. Razak Khan as desired by Government earlier, if initiated furnish the Enquiry Officer report for finalization of the case, if not initiated, she was directed to inquire into the contention of Charged Officer duly conducting separate inquiry issuing notices to Sri Md. Razak Khan, Typist who is alleged to have forged the signature of Charged Officer.

P.T.O.

9. In the reference 13th read above, the Commissioner of Employment and Training has informed that Sri Md. Razak Khan does not belong to the Department of Employment and Training. He is working as Typist under the control of Zilla Sainik Welfare Officer, Kurnool. As the individual is under the control of Director Sainik Welfare, enquiry could not be conducted by Employment and Training Department and requested to issue necessary instructions to the Director, Sainik Welfare to conduct enquiry against the individual as they are competent authority.

10. Accordingly, in the reference 14th read above, the Director, Sainik Welfare, Hyderabad was requested to initiate major disciplinary proceedings against Sri Mohd. Razak Khan, Typist who was acquitted on benefit of doubt and to furnish his report along with specific recommendations.

11. In the reference 15th read above, the Sainik Welfare Department has stated that since the Hon'ble Court of Spl. Judicial Magistrate of First Class (Mobile) Kurnool has acquitted Sri Md. Razak Khan, Typist O/o ZSWO, Kurnool District in C.C.No. 146/2009, the District Collector, Kurnool District has obtained legal opinion of Senior Assistant Public Prosecutor (Admn), Kurnool to file appeal petition. The Senior Assistant, Public Prosecutor (Admn), Kurnool has opined that " the interference with the judgement passed by Hon'ble Special Judicial Magistrate First Class for Mobile Court, Kurnool would no longer useful, hence no grounds to take this case on appeal". Further, Sri R.Surya Prakash has also not filed appeal against the judgment. Hence, it is proved that Sri R.Surya Prakash has agreed with the above orders. He has stated that, in the circumstances explained above, their department is not in a position to initiate any major disciplinary action against Sri Md. Razak Khan, Typist, O/o ZSWO, Kurnool District.

12. Government have examined the matter with the material made available in detailed and provisionally decided to impose the punishment of 25% cut in pension permanently, besides recovery of Rs. 4,68,861/- from Sri R.Surya Prakash, Assistant Director (Retd.,), under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

13. Accordingly, Government in the reference 16th read above, have issued a show cause notice to Sri R.Surya Prakash, Assistant Director (Retd.), as to why the punishment of 25% cut in pension permanently, besides recovery of Rs. 4,68,861/- should not be imposed against him, under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

14. However, in the vide reference 17th read above, the Home Department was requested to consider taking-up suomoto revision against the order of the District Collector, Dt.30.3.2012 to enhance the penalty against Sri Md.Razak Khan, Typist O/o Zilla Sainik Welfare Office, Kurnool.

15. In the reference 18th read above, the Commissioner of Employment and Training has informed that the show cause notice was served to the individual i.e. Sri R. Surya Prakash on 10.04.2014, but so far no reply is received from him within the stipulated time.

16. In the reference 19th read above, the Government have requested the Secretary, Andhra Pradesh Public Service Commission, Hyderabad to furnish the concurrence of the Commission on the proposal of the Government i.e to impose the punishment of 25% cut in pension permanently, besides recovery of Rs. 4,68,861/- from Sri R.Surya Prakash, Assistant Director (Retd.), under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

P.T.O.

17. In the reference 20th read above, the Andhra Pradesh Public Service Commission agreed with the proposal of the Government i.e to impose the punishment of 25% cut in pension permanently besides recovery of Rs. 4,68,861/- against Sri R.Surya Prakash, Assistant Director (Retd.). Further, Commission opined to advice the Government, to enquire into the forgery complaint given by the delinquent. If the forgery of signature of Sri R.Surya Prakash by Sri Md. Razak Khan, Typist is established then the delinquent Sri R.Surya Prakash need be given necessary relief and Sri Md. Razak Khan, Typist be punished, provided he has not been acquitted from the charge of forgery in the court, and advice accordingly.

18. In the reference 21st read above, the Home Department has forwarded the report the Sainik Welfare Department, wherein, the Director, Sainik Welfare has stated that he had conducted departmental inquiry against Sri Md. Razak Khan, Typist., but no remarks were given by the inquiry officers against him. Keeping in view of the instructions issued by the Government, once again the departmental inquiry conducted against Sri Md. Razak Khan, Typist. The inquiry Officer has not submitted any adverse remarks against Sri Md. Razak Khan Typist.

19. Therefore, after careful examination of the Enquiry Officer report, Sainik Welfare Report and other relevant material, Government hereby order to impose the punishment of 25% cut in pension permanently, besides recovery of Rs.4,68,861/- against to Sri R.Surya Prakash, Assistant Director (Retd.,), under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, as he was retired from service.

20. The Commissioner of Employment and Training, Andhra Pradesh, Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

TO
The individual thru the Commissioner of Employment and Training, Andhra Pradesh, Hyderabad.
The Commissioner of Employment and Training, Andhra Pradesh, Hyderabad.
Copy to:
The Secretary, Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Hyderabad.
The Home Department, Andhra Pradesh Secretariat, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Directorate of Treasures and Accounts, Andhra Pradesh, Hyderabad.
The Registrar, Hon'ble Lakayukta, Andhra Pradesh, Hyderabad.
The Human Rights Commission, Andhra Pradesh, Hyderabad.
The Director, Sainik Welfare, Hyderabad.
Sf/Sc.

//Forwarded ::By order//

SECTION OFFICER